

MEMO ENDORSED**REAVIS PARENT LEHRER LLP**

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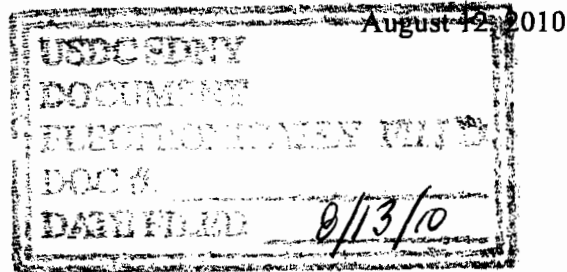
AUG 12 2010

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Via Facsimile

The Honorable Kevin N. Fox
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Courtroom 20A
New York, NY 10007-1312



Re: *Fidelity Information Servs., Inc. v. DebtDomain GLMS Pte LTD., et al.*
Case No. 09-cv-07589 (LAK) (KNF)

Dear Judge Fox:

We represent plaintiff Fidelity Information Services, Inc. ("Fidelity") in the above-referenced action, and write regarding the scheduling of Mr. Tai's deposition.

Following your Order of today, Fidelity conferred with Mr. Tai's counsel and they have advised that Mr. Tai is unavailable for the entirety of the last 21 days of the discovery period, i.e., after August 17 and through September 8. Fidelity proposed taking Mr. Tai's deposition after September 8 – which would prejudice no one, we submit – but Mr. Tai's counsel is not agreeable to that.

During the July 28, 2010 teleconference herein, Your Honor initially suggested 60 days for GLMS discovery, which would have taken the parties through September 2010. Mr. Balber insisted on a cut-off before his trial in another case beginning in September. However, we believe Mr. Balber will not be involved in this trip to London for Mr. Tai's deposition, and so his trial schedule should not impact this effort to find a reasonable date. (Mr. Tanck was the attorney for DebtDomain who, along with Mr. Tai, prepared Ms. Kinsella for her 30(b)(6) deposition and defended that deposition.)

Fidelity's counsel has not had sufficient opportunity to finish reviewing the 62,000 pages of documents (some 30 boxes worth if printed in hard copy form) produced to us on and after August 2. Fidelity also believes that documents should be produced

Hon. Kevin N. Fox
August 12, 2010
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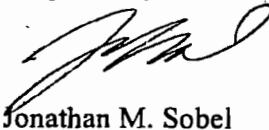
from Garry Viner before Mr. Tai's deposition. Fidelity has moved for this relief by letters dated July 30 and August 10, 2010. (Your Honor ordered today that Mr. Viner appear for deposition in London. Fidelity respectfully requests production of Mr. Viner's documents and things before his and Mr. Tai's depositions.) Fidelity's counsel also has not yet received the complete set of Jira tickets from defendants.

Moreover, August 17 is five days away. We would have to complete our review of the GLMS documents over the coming days, assuming we could, print our exhibits, and ship them over to London, which would take 2 business days. Fidelity would be prejudiced as a result.

Fidelity has spent substantial time and resources to obtain Mr. Tai's deposition, including substantial amounts of money taking a wasted deposition in London, and then filing an extensive motion to compel, dated July 9, 2010. In light of that, we implore the Court to order the parties to agree upon a mutually available date after September 8, 2010, if Mr. Tai is not available during that last 21 days of the current discovery period.

Thank you for your consideration.

Respectfully submitted,



Jonathan M. Sobel

cc: Scott S. Balber, Esq.

8/13/10

The depositions of Messrs. Tai and Viner shall be conducted on or before September 20, 2010. To the extent that Mr. Viner, in his individual capacity, has in his possession, custody or control the documents referenced in the plaintiff's July 30, 2010 letter to the Court, he shall disclose them to the plaintiff expeditiously. Any dispositive motion shall be served and filed on or before October 1, 2010. The response to any such motion shall be served and filed on or before November 1, 2010. Any reply shall be served and filed on or before November 15, 2010. Should the parties determine that a settlement conference with the Court should be held prior to October 1, 2010, they must notify the Court immediately. The Court shall not entertain an application to modify the above-noted schedule.

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SO ORDERED:
(Kevin Nathaniel Fox)
KEVIN NATHANIEL FOX, U.S.M.J.